

REMARKS

Claims 1 and 2 are pending in this application. No amendment is made.

Claims 1 and 2 stand rejected under 35 USC 103(a) over Montoli in view of Boucheron.

Applicant respectfully traverses the rejection.

In the Action, the Examiner has stated that it would have been obvious to modify the connection between the lid and the cover of Montoli with the resilient interengagement mechanism taught by Boucheron for the benefit of providing a mechanically expedient means for securing the two elements together. According to MPEP 2143.01(VI), the proposed modification of a prior art reference may not change the principle of operation of the reference. The resilient interengagement mechanism disclosed by Boucheron operates by detachably securing a wristwatch strap to the watch by sliding the reinforcing element (3) in and out of its bore (6). While it might make sense to detach the wristwatch strap from the watch by sliding out the reinforcing element (3), this is not evidence of a reason to have the pivotal bar of the hinge of a cosmetic container lid slide in and out of its bore. It may even be inconvenient, as a portion of the cosmetic container may fall off or break while carrying the container around. To modify Boucheron in view of Montoli as to disclose a hinge for a cosmetic container wherein the pivotal bar does not slide out would change the principle of operation of Boucheron's interengagement mechanism and would require a substantial reconstruction and redesign of the interengagement mechanism taught by Boucheron. Accordingly, Boucheron cannot be modified to disclose the hinge and engagement mechanism suitable for the cosmetic container claimed in claims 1 and 2, and Applicant respectfully requests that this rejection be withdrawn.

In addition, claim 2 recites a groove which allows the insertion of an article to exert a force on the engageable portion to flexibly deform and to separate the engageable portion from the engaging portion. Montoli and Boucheron do not disclose a groove which allows the insertion of an article to flexibly deform the engageable portion to separate the engageable portion from the engaging portion as claimed. Rather the engageable portion (16b) of

Boucheron detaches by sliding the reinforcing element (3) out of its bore (6). Since none of the cited prior art references discloses a groove which allows the insertion of an article to flexibly deform the engageable portion to separate the engageable portion from the engaging portion as specified in claim 2, there is an additional reason to withdraw this rejection as to claim 2.

Claims 1 and 2 stand rejected under 35 USC 103(a) over Li in view of Boucheron. The Examiner has stated that it would have been obvious to modify the connection between the lid and the cover of Li with the resilient interengagement mechanism taught by Boucheron for the benefit of providing a mechanically expedient means for securing the two elements together. Again, the interengagement mechanism disclosed by Boucheron operates by sliding the reinforcing element (3) in and out of its bore (6). To modify Boucheron to disclose a hinge where the pivotal bar does not slide out of its bore would be to change the principle of operation of the interengagement mechanism taught by Boucheron. Accordingly, Boucheron cannot be modified to disclose the hinge and the engagement mechanism suitable for the cosmetic container claimed in claims 1 and 2, and Applicant respectfully requests that this rejection be withdrawn.

In addition, claim 2 recites a groove which allows the insertion of an article to exert a force on the engageable portion to flexibly deform and to separate the engageable portion from the engaging portion. Li and Boucheron do not disclose a groove which allows the insertion of an article to flexibly deform the engageable portion to separate the engageable portion from the engaging portion as claimed. Since none of the cited prior art references discloses a groove which allows the insertion of an article to flexibly deform the engageable portion to separate the engageable portion from the engaging portion as claimed, there is an additional reason to withdraw this rejection as to claim 2.


In view of the above, the claims in this application are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone

conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **371312002300**.

Respectfully submitted,

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